
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

F. MICHAEL CRANE,

Plaintiff,

v.

THE MEMORIAL HOSPITAL,

Defendant.

**ORDER AFFIRMING
REPORT & RECOMMENDATION**

Case No. 1:08CV59DAK

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Samuel Alba under 28 U.S.C. § 636(b)(1)(B). On October 3, 2008, Magistrate Judge Alba issued a Report and Recommendation, recommending that Plaintiff's Motion for Default Judgment be denied. Defendant filed a Motion to Dismiss as its responsive pleading within the required time period, but because of an oversight due to e-filing did not serve a copy on Plaintiff by mail. Approximately two weeks later, when Defendant discovered its oversight, it mailed a copy of the motion and supporting memorandum to Plaintiff.

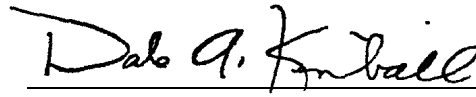
The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within ten days of receiving it. The time for filing an objection has passed, and Plaintiff has not filed an objection to the Report and Recommendation.

The court has reviewed the motion *de novo*. The court fully agrees with the analysis contained in Magistrate Judge Alba's Report and Recommendation. Therefore, the court approves and adopts the Magistrate Judge's October 3, 2008 Report and Recommendation in its

entirety. Accordingly, Plaintiff's Motion for Default Judgment is DENIED.

DATED this 22nd day of October, 2008.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is prominent, followed by "A." and then "Kimball". The signature is positioned above a horizontal line.

DALE A. KIMBALL

United States District Judge